

**MINUTES OF THE BOARD OF APPEALS MEETING**  
**Board of Appeals**  
**06-26-2013**

The meeting of the Slinger Board of Appeals was called to order by Chairman Toraason at 300 Slinger Road, Slinger Wisconsin on Wednesday, June 26, 2013 at 6:00 p.m.

<b>I. Roll Call &amp; Notice of Meeting:</b>	<u>Present</u>	<u>Absent</u>
Craig Wolf	x	
Rick Knipfer	x	
Chris Leis	x	
Eugene Mueller		x
Larry Toraason	x	
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**Also Present:** Terry Frederickson, Village Building Inspector/Zoning Administrator  
Dawn Smith, Deputy Clerk

Chairman Toraason called the meeting to order at 6:00 p.m. Deputy Clerk Smith took the roll call and stated that the open meeting law had been complied with in connection with this meeting.

Deputy Clerk Smith administered the Oath of Witness to all who wished to speak before the Board at this time. Sworn in were Zoning Administrator Terry Frederickson 300 Slinger Road, Ron and Pam Wren 605 W Washington Street, and Mr. Troeller, 609 W Washington Street.

**II. Public Hearing**

**A. Petition for Appeal**

Deputy Clerk Smith read the Notice of Public Hearing and announced that the petitioners, Ron and Pamela Wren are requesting a variance to allow the construction of a 720 Sq. Ft. detached garage in the street yard facing W. Washington Street and will not comply with Section 7.02 F. of the Village Zoning Code which requires accessory buildings be located only in rear or side yards not in street yards. Deputy Clerk Smith informed the Board that all posting and publication requirements had been met.

Deputy Clerk Smith informed the Board that no comments had been received prior to this meeting. Mr. Wren handed the Board a letter from neighbor Mary Ziegelbauer. Deputy Clerk Smith read the letter which stated: "I do not object to anything the Wrens do." Mary Ziegelbauer.

Chairman Toraason opened the public hearing portion of the meeting at 6:05 p.m.

**B. Opening Statement of Petitioner**

Mr. Wren stated that since being married he and his wife have acquired a lot more stuff and that he would like to store this stuff in the proposed garage since he is out of room and this would help clean-up his yard. He stated the proposed garage would be built to match his existing home.

**C. Zoning Administrator's Determination**

Chairman Toraason asked Zoning Administrator Frederickson to discuss the Village's position on this petition. Zoning Administrator Frederickson stated that the property had a minimal side yard and is set back approximately 200 ft. so there isn't a lot of room on the property and the topography of the property does limit them somewhat to what can be done. He also noted that the property owner had a deck and pool behind the home along with his septic and mound system.

Discussion took place on what was considered to be a side yard, the minimum side and rear yard setback requirements and when the home was built and annexed into the village.

**D. Public Comment Period**

Chairman Toraason opened the public comment portion of the meeting at 6:12 p.m. and asked if anyone else in attendance wished to make a comment during this time.

Mr. Troeller stated that he did not have a problem with the location or construction of the garage provided it did not create any additional storm water or water runoff issues. Mr. Wren stated he has discussed this with his neighbor and they both have a lot of standing water on their properties when there are heavy rains. He also stated that he won't be changing any landscaping and didn't feel the proposed garage would add any additional water runoff problems to the site.

Board Member Leis presented the Board members with a goggle map picture of the area for their review.

Chairman Toraason closed the public comment session of the meeting at 6:15pm.

**E. Closing Statements**

Chairman Toraason asked the Wren's if they wished to make a closing statement.

Mrs. Wren stated that she felt the garage would look nice on the property and it would clean up the yard by getting rid of a lot of the stuff sitting outside on the property.

Chairman Toraason asked Zoning Administrator Frederickson if he had anything to add for a closing statement.

Building Inspector Frederickson stated it was his understanding that the proposed garage would be used for normal residential storage not for business. He stated it was a substantial investment on a large property which was on a main road into the village.

**III. Deliberation of Petition:**

**A. Discussion on the Requested Variance to Section 7.02**

**B. Findings of Fact**

Chairman Toraason stated the Board would now deliberate on this request and read the findings of fact that are used to make any determination on variance requests as listed in Village of Slinger Zoning Code Section 12.07. He explained that five findings need to be deliberated: Preservation

of Intent, Exceptional Circumstances, Economic Hardship and Self-Imposed Hardship, Preservation of Property Rights and Absence of Detriment.

Discussion took place on the preservation of intent including making sure the garage wouldn't be used for Mr. Wren's business and if it was, how would it be regulated or enforced. Building Inspector Frederickson stated that this is a residential area and it is not intended for business use however, if needed the village would send letters to the owner regarding this matter, and if it was not corrected it could result in daily fines and could end up in municipal court. Mr. Wren stated that he is a sole-proprietor and doesn't have any employees and the garage will be used for storage.

Discussion also took place on the following items: how far the house was setback on the property, if other building options had been looked into such as extending his current garage or moving the propane tank and pool, building the garage in the rear of the yard, consideration of neighbors, the topography of the property, drainage concerns, an additional concrete driveway area to the proposed garage, and the fact that this is a rural lot and the proposed garage wouldn't look out of place on a lot that large.

Deputy Clerk Smith also noted that notices of this meeting went to any village residents within 200 ft. of the property and the Town of Hartford as well as being published in the local paper as required.

**C. Additional Conditions (if necessary)**

Board Member Knipfer stated he felt before the Board even considered this appeal there should be some conditions for it. He then asked Building Inspector Frederickson what the norm was for garage variances. Building Inspector Frederickson stated most variances have been for height or the size of the building not side yard issues. Board Member Knipfer also asked if this was approved is it setting a precedent. Building Inspector Frederickson stated every case should be based on its own merits. Discussion continued and after the following conditions were made.

1. Motion Knipfer/Toraason to restrict the front setback of the garage so it cannot be less of a setback than the setback of the neighbor to the south of the property (even with the southerly neighbor), to assure current drainage/water runoff won't be restricted and should not change from its current flow and to assure that the stone, siding and shingles will match the existing home as it is. A vote was taken. Yea's Toraason, Knipfer, Lies. Abstain – Wolf.

**D. Action to Approve, Modify, or Deny the Requested Variance to Section 7.02 F.**

Motion Toraason/Leis to approve the proposed garage as presented with the following conditions: restricting the front setback of the garage so it cannot be less of a setback than the setback of the neighbor to the south of the property (even with the southerly neighbor), to assure current drainage/water runoff won't be restricted and should not change from its current flow and to assure that the stone, siding and shingles will match the existing home as it is. A vote was taken. Yea's Toraason, Knipfer, Lies. Abstain – Wolf.

**E. Notice of Appeal Rights**

Deputy Clerk Smith informed the Wren's that they will receive a letter informing them of this decision within the next few days.

**IV. Adjourn Meeting**

Motion Toraason/Knipfer to adjourn at 6:50 p.m.; carried.

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Dawn Smith, Deputy Clerk